

DIVISION I

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
JOSEPHINE LINKER HART, Judge

CA05-1255

May 31, 2006

JOSEPHINE H. MASHBURN  
APPELLANT

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION  
[NO. F306001, F306002, F310296]

V.

PAT SALMON & SONS, INC., Pacific  
Employers Insurance Company  
APPELLEES

REBRIEFING ORDERED

Appellant, Josephine H. Mashburn, appeals both the Arkansas Workers' Compensation Commission's denial of her claim for benefits and its denial of her petition to introduce additional evidence. We order rebriefing.

In her brief, appellant asserts that the Commission's decision to deny her benefits was not supported by substantial evidence. Appellant contends that she suffered compensable injuries and that her work-related accidents were causally related to her current disabilities. In making this argument, appellant relies on medical-record exhibits that—though found in the record—are not found in her brief's Addendum. Arkansas Supreme Court Rule 4-2(a)(8) provides that an appellant's brief must contain an Addendum containing, among other items, the exhibits essential to an understanding of the case. Given appellant's argument, we must conclude that the exhibits are essential to an understanding of this case, and therefore, appellant's Addendum is deficient.

Arkansas Supreme Court Rule 4-2(b)(3) provides that if we find the Addendum to be deficient such that we cannot reach the merits of the case, we will notify the appellant that

he or she “will be afforded an opportunity to cure any deficiencies, and has fifteen days within which to file a substituted abstract, Addendum, and brief, at his or her own expense, to conform to Rule 4-2(a)(5) and (8).” Further, Rule 4-2(b)(3) provides that “[i]f after the opportunity to cure the deficiencies, the appellant fails to file a complying abstract, Addendum[,] and brief within the prescribed time, the judgment or decree may be affirmed for noncompliance with the Rule.” Accordingly, we order appellant to file within fifteen days a brief containing an Addendum that complies with Rule 4-2(a)(8). Further, we remind appellant that, in accordance with Rule 4-2(a)(7), her reference in the argument portion of her brief to material found in the Addendum must be followed by a reference to the page number of the Addendum at which such material may be found. As provided by Rule 4-2(b)(3), upon appellant’s filing of a substituted brief, appellees will have the opportunity to revise or supplement their brief.

Rebriefing ordered.

PITTMAN, C.J., and GRIFFEN, J., agree.